

PSG/RM/F100

6th August, 1982.

Dear Sir,

Wildlife and Countryside Act 1981. Review of Definitive Map.

Thank you for your letter dated 12th July, 1981.

With regard to the footpath alongside the former Bath - Bournemouth railway line I have marked what I assume to be its route onto the enclosed plan. If I have got this wrong perhaps you would be good enough to correct it on the plan and return it to me. It would also be helpful if you could ^{mark} on the plan the area where tipping is taking place and let me know the extent of the tipping; ie. is it enough to block the path?.

It is regrettable that a Definitive Footpath Map (D.F.M) was not prepared for Bath under the former local government organisation. The map you saw in the Bath offices does not in fact have the legal standing that a D.F.M. would have. The Wildlife and Countryside Act 1981 has provisionally set up new procedures for reviewing existing D.F.M's. However, as you correctly note, we are currently awaiting Commencement Orders from the Secretary of State which will enable us to start work on the Review under new procedures. At the present time we understand that under the new procedures it will be mandatory to prepare a D.F.M. for those areas currently without one, before we can start to review the existing D.F.M's. If this continues to be true when the Commencement Orders are issued then Bath will be the first area to benefit in Avon.

As matters stand at present, we are only able to treat footpaths not shown on the D.F.M. with the same consideration as those shown on the D.F.M if they can be proved to be public rights of way (P.R.O.W.) by virtue of uninterrupted use rights over a long period of time. This period of time is commonly taken to be approximately 20 years. It is possible that the path you refer to above is a P.R.O.W. by virtue of its uninterrupted use over this period. Firstly we must have evidence of sufficient strength to 'stand up in court' to prove this point. In order to obtain such evidence we issue a P.R.O.W. Information Sheet which should be filled in by members of the public and then returned to this department. I enclose such a form for your use. When this is returned I will submit the completed form to the County Solicitor who can then base an opinion as to the paths status on the evidence provided. Obviously the more evidence that can be obtained the stronger is the case for treating such a path in the same manner as those shown on the D.F.M. If you are able to collect such evidence and would like more copies of the P.R.O.W. Information Sheets please let me know in order that I can send them to you.

I'm sorry for the length of this letter, but I hope it helps you understand

the problems we are faced with in dealing with footpaths in Bath. If you can help in the way outlined I would be most grateful.

Yours faithfully,

PSM

P.S. Gilbert.
Assistant County Footpaths Officer.

